

LEWIS
ANDROCA
LLP

L A W Y E R S

E-Filed on 12/21/07

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 0065934
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC, Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING ON
MOTION FOR LEAVE TO FILE
SECOND AMENDED OBJECTION
AND COUNTERCLAIM (with
Certificate of Service)**

Date of Hearing: January 24, 2008
Time of Hearing: 9:30 a.m.

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust has filed a Motion For Leave to File Second Amended Objection and Counterclaim [DE 5529] and also requesting to add Dan S. Palmer, Jr., as a counterdefendant, and to convert this claim to an adversary proceeding pursuant to Bankruptcy Rule 3007 and 7001.

LEWIS
AND
ROCA
LLP
LAWYERS

Any opposition must be filed pursuant to Local Rule 9014(d)(1).

Local Rule 9014(d)(1): "Oppositions to a motion must be filed and service must be completed on the movant no later than fifteen (15) days after the motion is served except as provided by LR 3007(b) and LR 9006. If the hearing has been set on less than fifteen (15) days' notice, the opposition must be filed no later than five (5) business days before the hearing, unless the court orders otherwise. The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule."

If you object to the relief requested, you must file a WRITTEN response to this pleading with the Court NO LATER THAN **January 7, 2008.** You must also serve your written response on the person who sent you this notice.

If you object to the relief requested in the Objection/Motion, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response to the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* without formally calling the matter at the hearing.

NOTICE IS FURTHER GIVEN that the hearing on the Motion will be held before a U.S. Bankruptcy Judge on **January 24, 2008 at the hour of 9:30 a.m.** in the Foley Federal Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada.

LEWIS
AND
ROCA
LLP
LAWYERS

Dated: December 21, 2007.

LEWIS AND ROCA LLP

By: /s/ RC (#6593)
Susan M. Freeman, AZ 4199 (*pro hac vice*)
Rob Charles, NV 6593
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320
Counsel for USACM Liquidating Trust

COPY of the foregoing served via e-mail where an e-mail address is listed, and if no e-mail address is listed, then by first class, postage paid US mail, this 21st day of December, 2007 addressed to:

Dan S. Palmer, Jr.
c/o Palmer Investments, Inc.
Los Valles Land & Golf LLC
233 Wilshire Blvd., Suite 800
Santa Monica, CA 90401-1207

Peter J. Mort, Esq.
Bruce Jacobs, Esq.
Akin Gump Strauss Hauer & Field LLP
2029 Century Park East, Suite 2400
Los Angeles, CA 90067
pmort@akingump.com
bjacobs@akingump.com
Attorneys for Los Valles Land & Golf LLC

Pauline Ng Lee
Scott D. Fleming
Hale Lane Peek Dennison and Howard
3930 Howard Hughes Parkway, 4th Floor
Las Vegas, Nevada 89169
plee@halelane.com
sfleming@halelane.com
Attorneys for Los Valles Land & Golf LLC

/s/ Christine Laurel
Christine Laurel
Lewis and Roca LLP